

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ELIZABETH MARCOTTE

PLAINTIFF

VS.

NO. 4:06CV000658

**UNITED PARCEL SERVICE, INC. and
JOHN DOE MAINTENANCE COMPANY**

DEFENDANTS

ORDER

Pending is Defendant's motion in limine, (docket # 46). Plaintiff moved to strike the motion which the Court denied on July 17, 2007. For good cause shown, the Defendant's motion in limine is granted in part as stated herein:

1. Defendant's motion to preclude evidence or testimony regarding the existence of liability insurance is granted.

2. Defendant's motion to preclude the mention of punitive damages is granted.

3. Defendant's motion to preclude testimony or evidence of any offer of settlement is granted.

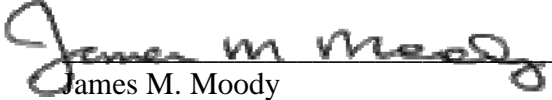
4. Defendant's motion concerning evidence of medical expenses will be addressed by separate order.

5. The Court has reviewed the deposition of Dr. Johannes Michael Gruenwald and finds no evidence to support the conclusion that Dr. Gruenwald relied on the report and opinions of Dr. Cranberg in reaching his opinions in this case. *See, Brennan v. Reinhart Institutional Foods*, 211 F. 3d 449 (8th Cir. 2000) (noting that an expert may testify about facts and data outside of the record for the limited purpose of exposing the factual basis of the expert's opinion.) Accordingly, Defendant's motion to preclude the admissibility of Dr. Gruenwald's deposition wherein Dr. Cranberg is referenced is granted. The parties are directed to redact those portions of the

deposition of Dr. Gruenwald wherein Dr. Cranberg is discussed.

Wherefore, Defendant's motion in limine, docket # 46 is granted in part as stated herein.

IT IS SO ORDERED this 20th day of July, 2007.


James M. Moody
United States District Judge